REMARKS

The application has been amended and is believed to be in condition for allowance.

Amendments to the Disclosure

Claim 9 is amended overcome the Official Action's formal rejections under Section 112.

New claims 15-20 are introduced to further recite the invention. The new claims find support in the claims, specification, and drawing figures as originally filed (e.g., original claims 1-8; page 5 line 18 to page 8 line 25; Figures 1-2) and are not believed to introduce new matter.

The amendments to the claims find support in the specification and the drawing figures as originally filed and do not introduce new matter.

Formal Matters - Section 112, second paragraph

The Official Action rejected claims 9 under 35 USC 112, second paragraph as being indefinite.

The Official Action contends that claim 9 is unclear with respect to the preamble directed to a "partition", contending the that it is unclear how the device of claim 1 fits into a "partition". The Official Action states that the body of claim 9 recites elements of a "kit" or "an assembled structure", and therefore contends that the preamble to claim 9 is unclear.

In response, claim 9 is amended in a manner believed to overcome the Official Action's objection. For example, claim 9 is amended to recite structural features of the invention in greater detail, particularly toward the manner in which the elements introduced in the claim are connected the device of claim 1.

The amendment to claim 9 finds support in the specification and the drawing figures as originally filed (e.g., page 3, lines 29-30; page 6, lines 13-18; Figure 1) and is not believed to introduce new matter.

Substantive Issues - Section 102

The Official Action rejected claims 1 under 35 USC 102(b) as being anticipated by Karytinos (US 4,918,899; "KARYTINOS").

The rejections are respectfully traversed for at least the reasons that follow.

As to claim 1, the Official Action offers KARYTINOS as teaching a slide of profiled section, a lower rail, and an upper rail, however the Official Action does not expressly identify the elements of KARYTINOS alleged to anticipate a lower and upper rail.

The Official Action offers KARYTINOS' floor plates 11 as anticipating the recited slide, wherein the flanges 15 are alleged to anticipate the recited arms. The Official Action offers KARYTINOS' element 20 as anticipating the recited top

runner; however, it is respectfully submitted that KARYTINOS discloses element 20 as a "web" spacing two flanges 15 of wall stud 12 (see column 2, lines 9-12 and lines 35-41; Figures 1-2).

The Official Action offers KARYTINOS' inturned rib 21 (column 2, lines 38-41) as reversible snap-fitting means comprising a first boss projecting inward respective of the flanges of the top runner and a second boss projecting inward respective of the arms of the slide, the first boss configured to locate in a resting position in the second boss (column 2, lines 53-54; Figure 2). KARYTINOS discloses roll-formed floor plate 11 having flanges 15 spaced from each other by the web 20, each flange terminating in an inturned rib 21, the inturned ribs 21 received in grooved surfaces 22 of the flanges 15' and webs 20 of roll-formed studs 12 (see column 2, lines 9-12 and lines 35-46; Figures 1-2).

However, there is no suggestion in KARYTINOS of floor plate 11 as teaching a slide. Claim 1 recites that the slide being movable relative to a top runner in a vertical direction, the top runner being fixed, and that the snap-fitting means is reversible. KARYTINOS only discloses a frame, comprised of an upper wall plate (not shown; see column 2, line 11), a floor plate 11, and studs 12 between them (column 2, lines 9-12; Figures 1 and 7).

There is no component in KARYTINOS teaching or suggesting a slide. On the contrary, KARYTINOS discloses that

that the studs 12 and wall plates are securely fastened to each other, wherein "the frictional engagement is very considerable and the studs can... retain their position without the need to use fasteners," (column 2, lines 54-58).

Further, KARYTINOS discloses that the fastening comprises a rotational movement when engaging the inturned ribs 21 to the grooved surfaces 22. "The erection of a frame takes place by firstly locating the lower or floor plates 11 on suitable footings, then entering the lower ends of the studs 12 into the channel portions of the plates 11 and rotating them so as to effect the inter-engagement between the groove surfaces 22 and the ribs 21," (column 2, lines 49-54; emphasis added).

There is no teaching or suggestion here of a movability in a vertical direction of the studs 12 relative to the floor plates 11. On the contrary, KARYTINOS clearly discloses that the grooves 22 interengage with the inturned ribs 21 ribs to "thereby firmly retain that stud end to that plate," (column 1, line 49; emphasis added). As disclosed both in the specification and Figures 1 and 2, the studs 12 are tightly engaged to the floor plates 11 and can not move in a vertical direction.

Further, there is no teaching or suggestion, anywhere in KARYTINOS, that the engagement above is reversible.

Therefore, it is respectfully submitted that KARYTINOS fails to anticipate all the features recited in claim 1.

Withdrawal of the rejection under 35 USC 102(b) is respectfully requested.

It is further respectfully submitted that new claim 15 is believed to be patentable over KARYTINOS for at least the reasons set forth above as to claim 1.

Substantive Issues - Section 103

The Official Action rejected claims 1, 9, and 14 under 35 USC 103(a) as being unpatentable over Rostock (DE2836126; "ROSTOCK") in view of KARYTINOS.

The Official Action rejected claim 4 under 35 USC 103(a) as being unpatentable over ROSTOCK in view of KARYTINOS and further view of Sykes (US 4,905,428; "SYKES").

The Official Action rejected claim 5 under 35 USC 103(a) as being unpatentable over ROSTOCK in view of KARYTINOS, SYKES, and JP 2000-320050 ("JP '050").

The Official Action rejected claim 6 under 35 USC 103(a) as being unpatentable over ROSTOCK in view of KARYTINOS, and further view of Herren (US 6,058,668; "HERREN").

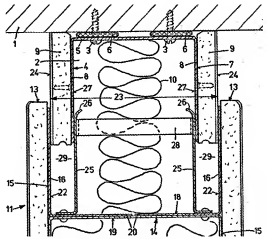
The Official Action rejected claim 7, 8, and 13 under 35 USC 103(a) as being unpatentable over ROSTOCK in view of KARYTINOS and further in view of JP 09-256521 ("JP '521").

The Official Action rejected claim 10-12 under 35 USC 103(a) as being unpatentable over ROSTOCK in view of KARYTINOS and further in view of JP '050.

The rejections are respectfully traversed for at least the reasons that follow.

As to claim 1, the Official Action offers Figure 1 of ROSTOCK as disclosing a slide at elements 18, 25, 26 and a top runner at 4, wherein the top runner has side flanges extending parallel to and within U-shaped arms of the slide.

Applicant respectfully disagrees. On the contrary, both Figures 1 and 2 of ROSTOCK disclose the side flanges 27 of top rail element 4 as being <u>outside</u> the U-shaped arms of the assembly 18, 25, and 26. Figure 1 of ROSTOCK is provided below, for the Examiner's convenience.



Hence, it is respectfully submitted that ROSTOCK fails to disclose a top runner comprised of a rail with two side flanges extending parallel to and <u>within</u> the arms of the U-shaped section of the slide, as recited by claim 1.

Further, Official Action offers KARYTINOS as teaching reversible snap-fitting means between a slide and top member, indicating elements 20 and 21 of KARYTINOS. The Official Action

contends that one of skill would have included the alleged snap-fitting means of KARYTINOS in ROSTOCK "for better frictional engagement".

Applicant respectfully disagrees.

Firstly, it is respectfully submitted that KARYTINOS fails to teach reversible snap-fitting means, based at least on the reasons set forth above as to the rejection under Section 102 of claim 1. KARYTINOS discloses element 21 as a rib 21 of a lower plate 11 which cooperates with a groove 22 of a stud. As disclosed in column 2, lines 49-61, the mounting is not a reversible mounting: "the frictional engagement is very considerable and the studs can... retain their position without the need to use fasteners," (column 2, lines 55-58).

It is further respectfully submitted that the Official Action fails to provide a rational underpinning for one of skill to have modified the primary reference ROSTOCK with the rib 21 and groove 22 of KARYTINOS, and therefore has not met the burden for a *prima facie* case for obviousness.

For example, no rational basis is provided why one of skill would have had any reason to increase frictional engagement in ROSTOCK. The Official Action concedes that ROSTOCK discloses slide and top runner movable relative to each other. ROSTOCK further discloses an elastic at 10 to control a vertical movement of the assembly at 18, 25, 26 and the assembly at 4 (see Figure 1, above).

There is no teaching or suggestion that friction is desired by the identified assemblies of ROSTOCK, and particularly, no teaching or suggestion that an increased frictional engagement is either desirable or even workable.

Furthermore, it is respectfully submitted that the engagement taught by KARYTINOS is not frictional such to slow or dampen a vertical movement, but instead is so great as to restrict all vertical movement altogether. Again, KARYTINOS discloses a "frictional engagement is very considerable and the studs can... retain their position without the need to use fasteners," (column 2, lines 54-58). Indeed, KARYTINOS' Figure 2 clearly illustrates a structure wherein vertical movement between the floor plate 11 and the stud 12 is completely prevented.

KARYTINOS makes no suggestion even of a possibility of movement in a vertical direction in the construction of KARYTINOS. The studs are mounted such that they can not move in a vertical direction. The only relative movement described in KARYTINOS is a rotation as described on column 2, lines 62-68.

Hence, KARYTINOS makes absolutely no suggestion of either a slide or movability. Instead the reference repeatedly and expressly teaches against this property. For example:

> ...a stud can be inserted into the channel portions of a plate and rotated so that the groove surfaces inter-engage with the inturned ribs, and the resilience of the members results in a very rigid frictional grip without the need for fasteners in most instances.
> (column 1, lines 33-35; emphasis added).

ROSTOCK, on the other hand, is clearly disclosed as featuring a sliding capability between the assembly at 18, 25, 26 and the assembly at 4. For at least this reason, the proposed combination would render ROSTOCK unsatisfactory for its intended purpose (see *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

It is therefore respectfully submitted, for at least the reasons foregoing, that a *prima facie* case for obviousness is not shown as to claim 1 in view of ROSTOCK and KARYTINOS, and further that none of the prior art references offered by the Official Action, individually or in combination, teach or suggest all the features recited in claim 1. Accordingly, it is respectfully submitted that claim 1 is patentable over the references applied by the Official Action.

It is also respectfully submitted that claim 14 is patentable over the applied references at least for the reasons set forth above as to claim 1.

It is further respectfully submitted that claims depending from claim 1 are patentable at least for depending from a patentable parent claim.

It is further respectfully submitted that new claims 15-20 are patentable for at least the reasons set forth above as to claims 1-14.

From the foregoing, it will be apparent that Applicant has fully responded to the April 1, 2010 Official Action and that

the claims as presented are patentable. In view of this, Applicant respectfully requests reconsideration of the claims, as presented, and their early passage to issue.

In order to expedite the prosecution of this case, the Examiner is invited to telephone the attorney for Applicant at the number set forth below if the Examiner is of the opinion that further discussion of this case would be helpful.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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